

### **Remarks**

Applicants respectfully request reconsideration of this application as amended. Claims 1, 5, 6, 10, 14, 18 and 23 have been amended. No claims have been cancelled. Therefore, claims 1-26 are presented for examination.

In the Office Action, claims 1-4, 14-21, and 23 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants submit that the rejection has been obviated by amendments to claims 1, 14, 18, and 23.

Claims 1-2 and 4 stand rejected under 35 U.S.C. §102(b) as being anticipated by Watanabe et al. (U.S. Patent No.5,590,306). In addition, claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe et al. (U.S. Patent No.5,590,306).

Applicants submit that the present claims are patentable over Watanabe. Watanabe discloses an IC memory card control system including an IC memory card and an IC memory card control apparatus. The IC memory card is detachably mounted to store therein management information as well as data. The management area of the IC memory card is provided with an identification area into which are written an occupation code indicative of recording of the data in the data area and a recording code indicative of an abnormal recording of the data in the data area. See Watanabe at Abstract. Watanabe further discloses a byte rewriting type EEPROM. The byte rewriting type EEPROM has therein a supervisory area in which stored are various kinds of management data, e.g. the data relating to the IC memory card and the data relating to data recording. See Watanabe at col. 8, ll. 64-68.

Claim 1 of the present application recites halting the downloading of data into a flash memory until the flash memory is initialized, wherein the initialization includes storing pointers in a second memory to indicate different locations within the flash memory where the data is to be stored within the flash memory. Applicants submit that Watanabe does not disclose or suggest storing pointers in a second memory to indicate different locations within the flash memory where the data is to be stored within the flash memory. Instead, Watanabe discloses a byte rewriting type EEPROM having a supervisory area which stores various kinds of management data, e.g. the data relating to the IC memory card and the data relating to data recording. However, nowhere in Watanabe is there disclosed or suggested storing a pointer in a second memory to indicate different locations within the flash memory where data is to be stored. The management data and data relating to the recording in Watanabe are used to describe the type and various attributes of the data to be stored, and not to indicate the memory location to store the data as with a pointer. Accordingly, Watanabe teaches away from storing pointers in a second memory to indicate different locations within the flash memory where the data is to be stored within the flash memory, as recited by claim 1. Therefore, claim 1 is patentable over Watanabe.

Claims 2-4 depend on claim 1 and contain additional features, claims 2-4 are also patentable over Watanabe.

Claim 5 discloses initializing a flash memory of a device prior to receiving a data, wherein the initializing comprises storing pointers, in a separate memory, to a number of different locations within the flash memory where a free space is located. Thus, for the reasons described above with respect to claim 1, claim 5 is also patentable over

Watanabe. Since claims 6-9 depend on claim 5 and contain additional features, claims 6-9 are also patentable over Watanabe.

Claim 10 discloses a random access memory and a write unit to initialize a flash memory in response to receiving a request to download data by storing pointers, prior to downloading the data into the flash memory, in the random access memory to indicate the number of the blocks within the flash memory that are free to store the data. Thus, for the reasons described above with respect to claim 1, claim 10 is also patentable over Watanabe. Since claims 11-13 depend on claim 10 and contain additional features, claims 11-13 are also patentable over Watanabe.

Claim 14 discloses halting the downloading of data into a flash memory until the flash memory is initialized, wherein the initialization includes storing pointers in a random access memory to indicate the number of the blocks within the flash memory where the data is to be stored. Thus, for the reasons described above with respect to claim 1, claim 14 is also patentable over Watanabe. Since claims 15-17 depend on claim 14 and contain additional features, claims 15-17 are also patentable over Watanabe.

Claim 18 discloses halting the downloading of data into a flash memory until the flash memory is initialized, wherein the initialization includes storing pointers in a second memory to indicate different locations within the flash memory where the data is to be stored. Thus, for the reasons described above with respect to claim 1, claim 18 is also patentable over Watanabe. Since claims 19-21 depend on claim 18 and contain additional features, claims 19-21 are also patentable over Watanabe.

Claim 22 discloses initializing a flash memory of a device prior to receiving data, wherein the initializing comprises storing pointers, in a second memory, to the number of

different locations within the flash memory to indicate where free space is located within the flash memory. Thus, for the reasons described above with respect to claim 1, claim 22 is also patentable over Watanabe. Since claims 23-26 depend on claim 22 and contain additional features, claims 23-26 are also patentable over Watanabe.

Claim 5 stands rejected under 35 U.S.C. §102(b) as being anticipated by Brown, III et al. (U.S. Patent No. 6,038,636).

Applicants submit that the present claims are patentable over Brown. Brown discloses a method and apparatus for reclaiming space on a flash memory device provided in which valid data is copied from an individually erasable sector on the flash device to a designated memory location. The sector is then formatted or erased and the valid data is returned to the flash device at the next available free space contiguously. See Brown at Abstract. However, Brown does not disclose initializing a flash memory prior to receiving data, wherein the initializing comprises storing pointers, in a separate memory, to a number of different locations within the flash memory where free space is located. Therefore, the present claims are patentable over Brown.

Claims 6, 8-13, 22-23 and 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, III et al. (U.S. Patent No. 6,038,636) in view of Watanabe et al. (U.S. Patent No. 5,590,306).

Applicants submit that the present claims are patentable over Brown even in view of Watanabe. As discussed above neither Brown nor Watanabe disclose or suggest halting the downloading of data into a flash memory until the flash memory is initialized, wherein the initialization includes storing pointers in a second memory to indicate different locations within the flash memory where the data is to be stored within the flash

memory. Therefore, any combination of Brown and Watanabe would not disclose or suggest such a feature. Therefore, the present claims are patentable over Brown in view of Watanabe.

Claim 14-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Miura et al. (U.S. Patent No. 6,791,877) in view of Watanabe et al. (U.S. Patent No. 5,590,306).

Applicants submit that the present claims are patentable over Watanabe even in view of Miura. Miura discloses a semiconductor device including a large capacity non-volatile memory and at least one random access memory, the access time of the device being matched to the access time of each random access memory. The semiconductor memory device is comprised of a non-volatile memory FLASH having a first reading time, and a random access memory DRAM. See Miura at Abstract. However, Miura does not disclose or suggest halting the downloading of data into a flash memory until the flash memory is initialized, wherein the initialization includes storing pointers in a second memory to indicate different locations within the flash memory where the data is to be stored within the flash memory.

As discussed above, Watanabe does not disclose or suggest such a feature. Since neither Miura nor Watanabe disclose or suggest halting the downloading of data into a flash memory until the flash memory is initialized, wherein the initialization includes storing pointers in a second memory to indicate different locations within the flash memory where the data is to be stored within the flash memory, any combination of Miura and Watanabe would not disclose or suggest the feature. Therefore, the present claims are patentable over Miura in view of Watanabe.

Claims 7 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, III et al. (U.S. Patent No. 6,038,636) and Watanabe et al. (U.S. Patent No. 5,590,306) further in view of over Miura et al. (U.S. Patent No. 6,791,877).

Applicants submit that the present claims are patentable over any combination of Brown, Watanabe, and Miura. As discussed above, Brown, Watanabe, and Miura do not disclose or suggest halting the downloading of data into a flash memory until the flash memory is initialized, wherein the initialization includes storing pointers in a second memory to indicate different locations within the flash memory where the data is to be stored within the flash memory. Therefore, the present claims are patentable over Brown and Watanabe further in view of Miura.

Applicants respectfully submit that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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